



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Federal Highway Administration  
California Division**

July 22, 2009

650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814  
(916) 498-5001  
(916) 498-5008 (fax)

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HDA-CA  
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Mr. Will Kempton, Director  
California Department of Transportation  
1120 N Street  
Sacramento, CA 95814

Attention: Federal Resources Office, M.S. 82  
For Rachel Falsetti, Division of Transportation Programming

Dear Mr. Kempton:

SUBJECT: MCAG 2008/09 RTIP/FSTIP AMENDMENT NO. 10

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed the review of Amendment No. 10 to the Merced County Association of Governments (MCAG) Federal Transportation Improvement Program (FTIP) that was submitted by your letter dated June 17, 2009. This amendment (Type 2 – Funding Changes) to MCAG's 2008/09 FTIP:

- Makes programming modifications to 3 existing FTIP projects: 1) Campus Parkway, 2) Los Banos Bypass, and 3) Project Study Report (PSR) Hwy 99 & SR 152.

Pursuant to the July 15, 2004, *Memorandum of Understanding between the Federal Highway Administration, California Division, and the Federal Transit Administration, Region IX*, we accept the modifications to the 2008/09 – 2011/12 Federal Statewide Transportation Improvement Program (FSTIP) for the MCAG region in accordance with the Final Rule on Statewide and Metropolitan Transportation Planning published in the February 14, 2007 Federal Register. We find that the MCAG's 2008/09 FTIP, through Amendment No. 10, was developed through a continuing, cooperative and comprehensive transportation planning process carried out in accordance with the metropolitan planning provisions of 23 U.S.C. 134, and 49 U.S.C. Chapter 53 as amended by Section 6001 of Public Law 109-59, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

We have determined that this program modification is exempt from the regional emissions analysis requirements pursuant to the transportation conformity provisions found in 40 CFR Part 93. This finding has been coordinated with Region 9 of the Environmental Protection Agency



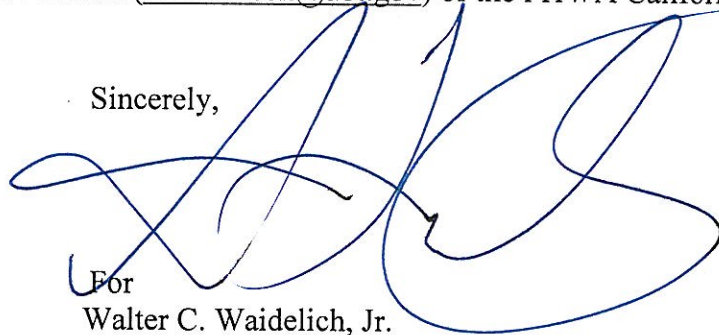
(EPA) in accordance with the procedures outlined in the *National Memorandum of Understanding between DOT and EPA on Transportation Conformity*, dated April 25, 2000. Therefore, we find that the FTIP continues to conform to the applicable State Implementation Plan (SIP).

Based on our review of the lists of projects proposed for Recovery Act funding, we recommend that MCAG encourage the local agencies in the region to work closely with the Caltrans District Local Assistance Engineer (DLAE) to ensure the proposed Recovery Act projects listed in the FTIP/FSTIP are on located on a Federal-aid highway, specifically a highway or highways eligible for assistance under Chapter 1 of 23 U.S.C. other than highways classified as a local road or rural minor collector.

This approval is provided with the understanding that the FTA funding approval on the individual projects contained in the FSTIP are subject to grantees meeting all necessary FTA administrative requirements, and that approval of this programming action does not provide a federal eligibility determination for CMAQ projects or any other project funding source included in this amendment.

If you have questions or need additional information concerning our approval for this MCAG FSTIP amendment, please contact Scott Carson ([scott.carson@dot.gov](mailto:scott.carson@dot.gov)) of the FHWA California Division office at (916) 498-5029.

Sincerely,

A large, stylized handwritten signature in blue ink, likely belonging to Walter C. Waidehlich, Jr. The signature is fluid and cursive, with a prominent loop at the end.

For  
Walter C. Waidehlich, Jr.  
Division Administrator  
Federal Highway Administration